



# California Regional Water Quality Control Board

## Santa Ana Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

January 15, 2008

Robert Johnson  
City of Riverside  
Parks, Recreation, & Community Services  
3900 Main Street  
Riverside, CA 92522

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE FAIRMONT PARK LAKES DREDGE PROJECT, CITY OF RIVERSIDE (ACOE REFERENCE NO. 2007 – 1366)**

Dear Mr. Johnson:

On September 14, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the proposed dredging of the lakes at Fairmont Park in the City of Riverside. On October 14, 2007, the application was deemed complete. A denial without prejudice was issued on November 8, 2007 pending receipt of further analysis of the water column and sediments and receipt of a draft work plan. Analytical results were received on October 29, 2007 and the initial draft work plan was received on November 29, 2007. Following Regional Board staff comments, an amended draft work plan was received on December 13, 2007.

This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

**Project Description:**

Removal of up to 85,000 cubic yards of material from Lake Evans and Fairmont Lake in Fairmont Park in the City of Riverside. The Lakes have a total surface area of approximately 39.3 acres. The material will be removed via suction dredge and discharged into an excavated basin located on 12.85 acres between Lake Evans and the Santa Ana River. The basin's berms will consist of un-compacted fill from the basin. Return flows from the basin will be filtered through sand media and pumped back into Lake Evans. The dredged material will be stockpiled next to the basins and used as a soil amendment and fertilizer in Fairmont Park. The work is

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proposed to occur during the 2007-2008 rain season and will take between 4 to 6 months. The Lakes are part of the Springbrook Wash drainage system located upstream of its confluence with the Santa Ana River within Sections 11 and 12 of Township 2 South, Range 5 West, of the U.S. Geological Survey *Riverside East* and *Riverside West, California*, 7.5-minute topographic quadrangle maps (33.99620 degrees N/-117.37790 degrees W).

Receiving water: Lake Evans and Fairmont Lake.

Fill area: Not Applicable

Dredge/Fill volume: up to 85,000 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 16.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2002-0011, commonly known as the Riverside County Municipal Storm Water Permit. Order No. R8-2002-0011 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, including the preparation of a SWPPP.

You have applied for a federal permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the City of Riverside and the Executive Officer have determined that the project is Categorical Exempt from provisions of CEQA under Guidelines Section 15301 and 15304(g) in Title 14 of the California Code of Regulations.

**This 401 Certification is contingent upon the execution of the following conditions:**

1. Dredging activities must not cause a condition of nuisance or pollution.
2. Dredging activities must not cause nitrate-nitrogen concentrations in receiving waters to exceed 45 mg/L or 10 mg/L (as N) as a result of controllable water quality factors.
3. Dredging activities must not cause dissolved oxygen content in receiving waters to be depressed below 5 mg/L, or cause the median dissolved oxygen



- concentration to fall below 85% of saturation, or the 95<sup>th</sup> percentile concentration to fall below 75% of saturation within a 30-day period.
4. The dissolved sulfide content of receiving waters must not be increased as a result of controllable water quality factors.
  5. The pH of receiving waters must not be raised above 8.5 or depressed below 6.5 as a result of controllable water quality factors.
  6. Dredging activities must not cause un-ionized ammonia concentrations in receiving waters to exceed the values shown in the attached Tables 1, 2 and 3 as measured within 100-feet of the return water discharge. In addition, the four-hour average must not exceed 2.5 times the CCC values (see Tables 2 and 3). Monitoring results for compliance with these concentration limits must be generated daily for the first seven days of discharge, then monthly thereafter.
  7. Project-related activities must not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in the receiving waters to be increased by values greater than the following Basin Plan objectives at a distance of 100 feet from the activity:
    - a. If natural turbidity is between 0 and 50 NTU, the maximum increase must not exceed 20% of the measured natural turbidity.
    - b. If natural turbidity is 50 to 100 NTU, the increase must not exceed 10 NTU.
    - c. If natural turbidity is greater than 100 NTU, the maximum increase must not exceed 10% of the measured natural turbidity.
  8. The water surface elevation in the dredge containment basin must be maintained at an elevation that does not threaten to cause a breach of the basin's berms.
  9. An effective monitoring plan must be developed and implemented to document compliance with conditions 1 through 8 above. Any suspected violation of these conditions must be reported to Regional Board staff in writing within 24-hours of discovery along with a plan of corrective action. The monitoring plan must include sufficient ambient water quality analysis to document in-lake variability if the variability may influence a violation of any of the above conditions. The monitoring plan and records of monitoring activities must be maintained on site for the duration of the proposed discharge and be available for inspection by Regional Board staff. A summary of monitoring activities, along with copies of monitoring records, must be submitted to Regional Board staff in portable electronic format within 60-days of the completion of dredging work.
  10. A copy of this Certification must remain at the project site for the duration of the work and be available for inspection upon request.

**Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:**



- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before work begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards



and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at [www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf).

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Yvette Cardenas  
State Water Resources Control Board, OCC – Erik Spiess  
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme  
California Department of Fish and Game – Jeff Brandt  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and Dave Smith

APF:401/certifications/fairmont pk dredge 332007-36



Table 1: Acute Criteria

Ammonia Criterion Maximum Concentration (CMC) one-hour average		
pH	Salmonid fish present (mg N/L)	Salmonid fish not present (mg N/L)
6.5	32.61	48.83
6.75	28.93	43.32
7	24.10	36.09
7.25	18.61	27.87
7.5	13.28	19.89
7.75	8.85	13.25
8	5.62	8.41
8.25	3.47	5.20
8.5	2.14	3.20

Table 2: Chronic Criteria for Temperatures up to 14 degrees C (mg N/L)<sup>1</sup>

pH	Ammonia Criterion Continuous Concentration (CCC) 30-day average
6.5	6.67
6.75	6.37
7	5.91
7.25	5.24
7.5	4.36
7.75	3.38
8	2.43
8.25	1.65
8.5	1.09

<sup>1</sup> All values assume that early life stages of fish are absent.

Table 3: Chronic Criteria (Ammonia CCC) for Temperatures above 14 degrees C (mg N/L), 30-day average

pH	Temperature (degrees C)															
	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	6.46	6.06	5.68	5.33	4.99	4.68	4.39	4.12	3.86	3.62	3.39	3.18	2.98	2.80	2.62	2.46
6.75	6.18	5.79	5.43	5.09	4.77	4.48	4.20	3.93	3.69	3.46	3.24	3.04	2.85	2.67	2.50	2.35
7	5.73	5.37	5.04	4.72	4.43	4.15	3.89	3.65	3.42	3.21	3.01	2.82	2.64	2.48	2.32	2.18
7.25	5.08	4.76	4.46	4.18	3.92	3.68	3.45	3.23	3.03	2.84	2.66	2.50	2.34	2.20	2.06	1.93
7.5	4.23	3.97	3.72	3.49	3.27	3.06	2.87	2.69	2.53	2.37	2.22	2.08	1.95	1.83	1.72	1.61
7.75	3.28	3.07	2.88	2.70	2.53	2.37	2.23	2.09	1.96	1.83	1.72	1.61	1.51	1.42	1.33	1.25
8	2.36	2.21	2.07	1.94	1.82	1.71	1.60	1.50	1.41	1.32	1.24	1.16	1.09	1.02	0.96	0.90
8.25	1.60	1.50	1.41	1.32	1.24	1.16	1.09	1.02	0.96	0.90	0.84	0.79	0.74	0.69	0.65	0.61
8.5	1.06	0.99	0.93	0.87	0.82	0.76	0.72	0.67	0.63	0.59	0.55	0.52	0.49	0.46	0.43	0.40